IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Bail Appl..No. 4207 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3590/2007 Dated 15/06/2007
CRIME NO.185/2007 OF CHADAYAMANGALAM POLICE STATION

.....

PETITIONER/4TH ACCUSED:

NISHAD, S/O.SHAMSUDHEEN, ANSHAD MANZIL,
ARKKANNOOR MURI, ELAMAD VILLAGE, KOTTARAKKARA,
KOLLAM.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4207 of 2007

Dated this the 16th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner is the fourth accused in a crime registered inter alia under Section 506(ii) and 308 I.P.C. The alleged incident took place on 02/06/2007. Investigation is in progress. The third accused has already been enlarged on regular bail. The second accused has not been arrested so far. The learned counsel for the petitioner submits that the allegations are false and have been raised with vexatious intent. Directions under Section 438 Cr.P.C may be issued in favour of the petitioner herein also, it is prayed.

2. The learned Public Prosecutor does not seriously oppose the application. The nature of the injuries and the nature of the allegations have been read over to me. The learned counsel for the petitioner has a contention that the allegations under Section 308 I.P.C has been raised without bona fides to ensure that the petitioner is put to vexation and harassment.

3. Having considered all the relevant inputs, I am satisfied that anticipatory bail subject to conditions can be granted in favour of the petitioner herein also.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 23/7/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 4 p.m on 24/07/2007 and 25/07/2007. During this period, the investigating officer shall be entitled to interrogate the petitioner in custody. The petitioner shall thereafter make himself available on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 23/7/2007, he shall be released from custody bail on his executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 23/7/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007